

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

RONALD R. SANTOS,

Plaintiff(s),

vs.

ISIDRO BACA, et al.,

Defendant(s).

Case No. 2:11-cv-01251-KJD-NJK

ORDER

(Docket Nos. 78, 87)

**I. Order Granting in Part and Denying in Part Plaintiff's Motion to Extend Discovery**

**Period (Docket No. 87)**

Pending before the Court is Plaintiff's motion to extend discovery period. Docket No. 87. Plaintiff requests an additional 90-day extension from the date Plaintiff receives responses to his discovery requests.<sup>1</sup> *Id.* Pursuant to the scheduling order entered on October 3, 2014, the current deadline for discovery is January 1, 2015. Docket No. 64, at 1. Plaintiff, proceeding in this action *pro se*, represents that additional time is needed to go through the discovery responses, collect documents, and, if necessary, serve additional discovery requests. Docket No. 87, at 2. For good cause shown, the Court hereby **GRANTS** an extension of the discovery deadline by ninety days, to April 1, 2015.

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<sup>1</sup> Plaintiff also notes that he has not received all of the discovery responses from Defendants. Docket No. 87, at 2. If Plaintiff thinks that discovery responses are inadequate, he must conduct a meet and confer pursuant to Federal Rule of Civil Procedure 37(a)(1) and Local Rule 26-7(b). Plaintiff must then file a proper discovery motion, if the parties cannot resolve the issue.

## **II. Order Discharging Order to Show Cause (Docket No. 78)**

Also pending before the Court is an order for Plaintiff to show cause why he should not be sanctioned for failing to pay the U.S. Marshals Service (“USMS”) the fees for service of process and why the Court should not reconsider its prior order (Docket No. 73) directing the USMS to serve the remaining defendants. Docket No. 78. The Court has now received a response. Docket No. 84.

In short, Plaintiff indicates that he filled out an Inmate Transaction Request in the amount of \$130 to cover the two \$65 deposits needed to serve Defendants Mohlenkamp and Palaylay. *Id.* Plaintiff also acknowledges that he is responsible for paying the prior invoices from the USMS for past services. *Id.* The USMS previously stated that they needed a deposit of \$130 to serve the summons and Second Amended Complaint as directed in the Court’s Order at Docket No. 73. Docket No. 76, at 2; Docket No. 77, at 2. The USMS has indicated to the Court that they received Plaintiff’s check for \$130.<sup>2</sup> Accordingly, the Court hereby **DISCHARGES** the order to show cause.

## **III. Conclusion**

### **IT IS SO ORDERED:**

1. Plaintiff’s motion to extend discovery period (Docket No. 87) is hereby **GRANTED IN PART** and **DENIED IN PART**. The discovery deadline shall be extended to April 1, 2015.

2. The order to show cause at Docket No. 78 is hereby **DISCHARGED**.

3. The Court’s prior order granting Plaintiff’s motion for clarification (Docket No. 73) **STANDS**.

4. The Clerk of the Court shall use the information provided by the USMS, under seal, in Docket No. 67, to issue summons on Defendant Mohlenkamp.

5. The Clerk of the Court shall use the information provided by Defendants, under seal, in Docket No. 54, to issue summons on Defendant Palaylay.

6. The Clerk of the Court shall deliver the summons for Defendants Mohlenkamp and

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<sup>2</sup> The USMS told the Court they received Plaintiff’s \$130 check on or about December 4, 2014, but that they sent it back to Plaintiff because they want two checks for \$65 each, and not one check for \$130. Accordingly, the Court hereby extends the time for Plaintiff to accomplish service, to allow for time for Plaintiff to fill out an Inmate Account Transaction Request and for Inmate Accounting to draft and send the checks to the USMS.

1 Palaylay and the Second Amended Complaint to the USMS.

2 7. Within thirty days of the date of this Order, the USMS shall attempt to serve the summons  
3 and Second Amended Complaint on Defendants Mohlenkamp and Palaylay. The USMS  
4 shall provide Plaintiff with a Form USM-285 (without listing Defendants' addresses)  
5 indicating whether service was effected for each Defendant.

6 8. Plaintiff is responsible for paying the USMS the fees for service of process on all  
7 Defendants.

8 9. The Court hereby **EXTENDS** the time for Plaintiff to serve Defendants pursuant to  
9 Federal Rule of Civil Procedure 4(m) by 30 days, to January 26, 2015.

10 DATED: December 8, 2014

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NANCY J. KOPPE  
United States Magistrate Judge  
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